

Inventors: Blum, Roger, et al.
Serial No.: 10/624,192
Filed: July 21, 2003
Page 3

Remarks

Claims 13 and 26-33 are pending and under examination. Claims 13 and 26-28 have been cancelled. Claims 29, 32 and 33¹ have been amended herein. Claims 29 and 33 have been rewritten in independent form and claim 33 has been amended to recite correct antecedent basis. The current Office Action indicates that claims 29-32 would be allowable if written in independent format.

The amendments do not raise an issue of new matter and entry thereof is respectfully requested. Entry of the proposed amendments is respectfully submitted to be proper because the amendments are believed to place the claims in condition for allowance.

Regarding the Oath/Declaration

Applicants will provide a replacement for the allegedly defective Oath/Declaration under separate cover.

Regarding 35 U.S.C. § 112, First Paragraph

The rejection of claims 13 and 26-28 under 35 U.S.C. § 112, first paragraph, for allegedly lacking written description of the invention, respectfully is traversed. Claims 13 and 26-28 have been cancelled without prejudice, rendering this rejection moot. Accordingly, removal of the rejection under 35 U.S.C. § 112, first paragraph, for allegedly lacking written description of the invention, is respectfully requested.

Regarding 35 U.S.C. §112, Second Paragraph

The rejection of claim 33 under 35 U.S.C. §112, second paragraph, as allegedly indefinite is respectfully traversed. This rejection has been rendered addressed by amendment of claim 33, which now depends on claim 32 and, therefore, is no longer directed to the same subject matter

¹ Claim 33 had been incorrectly labeled as claim 34 in Applicants' last submission.

Inventors: Blum, Roger, et al.
Serial No.: 10/624,192
Filed: July 21, 2003
Page 4

as claim 31. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, as allegedly indefinite, is respectfully requested.

Conclusion

In light of the Amendments and Remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully requests a notice to this effect. The Examiner is invited to call the undersigned attorney if there are any questions.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Astrid R. Spain/

Astrid R. Spain
Registration No. 47,956

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122
Phone: 858.535.9001 ARS:cjh
Facsimile: 858.597.1585
Date: July 15, 2008
SDO 107962-1.066741.0029

**Please recognize our Customer No. 41552
as our correspondence address.**